



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

years that he experienced that singularly complete loss of public confidence which Mr. Bancroft seeks to restore. A just estimate of a public man must take into account every portion of his public conduct. In the second place the tone of these chapters is too unvaryingly eulogistic. It may seem presumptuous to criticise the literary art of Mr. Bancroft, but one cannot help thinking that the picture he has painted would be more distinct and impressive if it were not so lacking in shadow. In Van Buren's relations to the civil service, to slavery, and to the "gag laws"—which Mr. Bancroft seems almost to ignore—there is something which to most Americans does not readily explain itself. Lastly the strong Democratic sympathies and convictions of the writer are so apparent that with a large and important class of citizens his plea will not have the weight to which, on the score of merit, it is justly entitled.

ANSON D. MORSE.

The Constitutional History and Government of the United States.

A Series of Lectures by Judson S. Landon, LL.D. Boston and New York, Houghton, Mifflin & Co., 1889.—vii, 389 pp.

The Constitutional History of the United States as seen in the Development of American Law. A Course of Lectures delivered before the Political Science Association of the University of Michigan by Judge T. M. Cooley, Hon. Henry Hitchcock, Hon. George W. Biddle, Professor Charles A. Kent, Hon. Daniel H. Chamberlain. New York and London, G. P. Putnam's Sons, 1889.—296 pp.

Each of these volumes contains a course of lectures delivered before college students. Professor Landon's book presents the instruction offered to the senior class at Union College during the four years that he presided over that institution. The other volume consists of a series of five discourses before the students of all departments of the University of Michigan, prefaced by an introduction from the pen of Professor Henry Wade Rogers.

Professor Landon has undertaken the great task of presenting a view of the constitutional history and law of the United States and an examination into the philosophy of our complicated political system within the compass of fifteen lectures. It must be admitted that he has achieved a great if not an unqualified success. He has recognized the limitations imposed by time and space and has carefully and wisely selected the most salient facts from the great mass of details. Still his lectures are far from a dry statement of principles; he has introduced just enough illustrations to impress the theories upon the memory of hearer or reader without overburdening it.

The chief objection to his work lies in the fact that it does not exhibit sufficient familiarity with the fundamental notions of political science. The author does not appreciate the scientific meaning of such terms as nation, government, sovereignty. His exposition is not based upon the principles which govern political and social activity; it follows that many historical events of prime importance "happen," according to Professor Landon, instead of resulting as the inevitable consequence of precedent conditions or events. In a word, the causal nexus is not exhibited, and the most valuable lesson of constitutional history is lost. A specific defect arising from the ignoring of the laws of political science is the very inadequate treatment of the power of amendment in the constitution. Furthermore, the author is sometimes loose in his use of terms with which every constitutional lawyer and every well-educated American must be familiar.

The second and third parts of Professor Landon's book deserve nothing but praise. They treat of constitutional law, and especially of the function of the Supreme Court; of the nature of the government, the dangers which beset it, and its probable future. They are altogether free from the blemishes pointed out above. Especially good is the tracing of the steps by which the Supreme Court has advanced to the exalted position that it now holds from that which it occupied during the first twenty years of its existence. The somewhat narrow spirit in which the last three amendments have been interpreted is also pointed out and traced from the *Slaughter House* cases in 16 Wallace to Spier's case in 123 U. S. Reports.

It is to be hoped that a second edition will contain a list of cases cited, the absence of which impairs the value of Professor Landon's work as a book of reference.

The University of Michigan lectures contain an extended examination of Professor Landon's second topic. Four jurists have divided the century of the Supreme Court's existence between them. Judge Cooley treats of the time of Chief Justice Jay; Mr. Hitchcock of Chief Justice Marshall's incumbency; Mr. Biddle of Chief Justice Taney's; and Professor Kent of the years since 1864. Mr. Chamberlain adds a lecture on "The State Judiciary and its Place in the American Constitutional System."

Judge Cooley begins his contribution with an explanation of the novel position assigned to the federal judiciary—that of a co-ordinate department of government, charged with the duty of interpreting the supreme law and pronouncing upon the validity of the acts of the other departments and of the organs of local government. He then shows in how far the success of the experiment is due to the wisdom, statesmanship and courage of John Jay. Omitting any reference to the periods when

Rutledge and Ellsworth presided, Mr. Hitchcock resumes the thread of the court's history with the accession of John Marshall. One by one the questions that the court discussed between 1801 and 1835 are taken up, and the development of the branch of constitutional law involved in each is adequately traced. This lecture is the gem of the volume. In simplicity, clearness, learning, and breadth of treatment, it is classical. In the skill with which the work accomplished by the great chief justice is summed up, it resembles an opinion pronounced by that most illustrious of American lawyers himself.

Mr. Biddle has chosen another method. He takes up *seriatim* the volumes between 10 Peters and 1 Wallace, and selects from each the cases that he thinks of prime importance. In this manner he examines fifty-eight cases. A great many of them are not upon points of constitutional law at all. Some are on questions of practice, some on matters which came before the Supreme Court merely because of the character of the parties. It is submitted that the chronological method is not equal to the topical in presenting a subject of this nature. Mr. Biddle brings out very clearly the great work accomplished by Taney in extending the admiralty jurisdiction of the federal courts over the Great Lakes ; and his discussion of the Charles River Bridge case and of the Dred Scott case is careful and interesting. Perhaps to the study of Taney's judicial opinions is to be attributed the somewhat particularistic view that Mr. Biddle takes of the relation of the commonwealths to the nation and to the federal government.

It was intended that the fourth lecture should be delivered by the late Mr. Justice Matthews, but his illness and untimely death prevented the accomplishment of this plan. Professor Kent accordingly prepared a lecture on this subject, which shows traces of hasty preparation. All the questions raised by the Civil War are disposed of in one page : the dictatorial power of the president, the position of the seceding states during the pendency of the Rebellion, contracts by rebels and the acts of the Confederate government. Reconstruction, the legal-tender act, the national banking act, the civil rights bill, and the subject of federal regulation of the congressional elections, are discussed at greater length. Somewhat amusing is Professor Kent's assertion (on page 234) "that no permanent evil has resulted" as yet from the extension of the power of the federal government by the last three amendments.

Mr. Chamberlain gives an interesting discussion of the question as to how far the federal judiciary is bound by the decisions of commonwealth tribunals. It contains the same misapprehension of the terms of political science that was noticed in Professor Landon's book. This leads the lecturer into very dubious expressions ; as when he says, speaking of the commonwealth and the United States : "Each is truly sovereign ;

each is truly limited in its sovereignty." The term "limited sovereignty" seems to have a peculiar fascination for him. In discussing the concurrent jurisdiction of the federal and commonwealth courts arising out of the character of the litigant parties, Mr. Chamberlain fails to appreciate the great work of the federal judiciary in reconciling the conflicting decisions of commonwealth tribunals and in giving us a national, common commercial law.

ROBERT WEIL.

The Origin and Growth of the English Constitution. By HANNIS TAYLOR. In Two Parts. Part I: *The Making of the Constitution.* Boston and New York, Houghton, Mifflin & Co., 1889.—8vo, xl, 616 pp.

In this work an attempt is made "to draw out, within the limits of two octavo volumes, the entire historic development of the English constitutional system, and the growth out of that system of the federal government of the United States." The author considers that Kemble and Palgrave opened the path and Freeman and Stubbs made broad the highway to a scientific knowledge of English political history. From the mass of facts drawn by these scholars from the sources, it must be the labor of some one to make the broad generalizations which constitute the essence of philosophic history. To this task the author devotes himself, seeking with the aid of the historical method "to trace the mighty stream of Teutonic democracy from its sources in the village moots and state assemblies of Friesland and Sleswick across the Northern Ocean into Britain, and across the Atlantic into North America." This is doing for "Teutonic democracy" rather more than John Richard Green did for the English people; for though the latter writer started from the same nebulous neighborhood, he pursued his subject across only one ocean. It is easy to see that Mr. Taylor's unconcealed admiration for Professor Freeman has made him an ardent worshipper of Teutonism triumphant; and perhaps the highest praise that his work needs is that he does not allow his devotion to this idea to make him ridiculous.

The volume which has now appeared narrates the development of the English constitution until the era of the Lancastrians, when the author considers that the structure was complete in its essentials. Criticism of his facts is disarmed by the obvious and avowed dependence upon Freeman and Stubbs. His consultation of the sources, so far as the researches of his predecessors have ferreted them out and made them accessible, has been mainly in the way of verification. While his work, then, cannot be ranked with the profound and original productions on which he depends, it may challenge the appreciation due to a concise